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MASSACHUSETTS LAND GRANTS IN VERMONT

BY

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MASSACHUSETTS LAND GRANTS IN VERMONT

During the colonial period the territory which is now Vermont was claimed in part or wholly by each of the four surrounding governments: namely, Canada, Massachusetts, New Hampshire, and New York. Each of them in turn made land grants within the present State.

GRANTS EXTENDING INTO VERMONT NORTHFIELD (HINSDALE, VERNON)

The northern boundary of Massachusetts was not definitively determined until March 5, 1740, when the King in Council declared that it should be a similar curve line and three miles north of the Merrimac River from the sea to the Pawtucket Falls, and from thence by a line due west until it meets with the King's other governments. The line was surveyed by New Hampshire in February and March, 1741, Massachusetts refusing to join in doing it.¹

For many years Massachusetts had claimed, as interpreted by her first charter, that her territory extended three miles north of every part of the Merrimac River. This sometimes meant three miles north of the junction of the Pemigewasset and the Winnipisaukee Rivers in the town of Franklin, New Hampshire; and sometimes, by regarding the Winnipisaukee as a continuation of the Merrimac, the province was claimed to extend three miles north of the outlet of Lake Winnipisaukee. These limits are in the latitude

¹ Belknap, *History of New Hampshire* (1792), ii. 169.

of Ascutney Mountain in Weathersfield, Vermont, in the first case, and of Windsor in the latter case.

Previous to 1740 Massachusetts had made many land grants in part or wholly north of the boundary of that date. The first grant of this character in Vermont was that of Northfield. An attempt was made in 1671 to secure a charter from the General Court for a grant on the Connecticut River, north of Deerfield. This failed, but the attempt was renewed by parties from Northampton the following year and succeeded. The Squakheag Indians lived in this region, extending from the Pocumtucks of Deerfield northward to the Wanasquatok or Broad Brook in Vermont, which flows into the Connecticut from the west three-quarters of a mile south of where Fort Dummer was afterwards built in the present town of Brattleboro, Vermont. The Indian name Squakheag is believed to mean "a spearing place of fish," and was so called because of the great abundance of fish annually secured there.

An Indian deed was obtained in 1671 for a tract of land extending three-quarters of a mile on the west side of the river and three and three-quarters miles on the east side, and from Deerfield northward. Other Indian deeds were secured in 1673, 1686, and 1687, extending the original tract so that finally the purchases included the land from Deerfield to Cowas or Mill Brook on the east side of the Connecticut, and to Wanasquatok Brook on the west side, varying at different dates from eight to twelve miles on the river, and six miles on each side of it. The present towns of Northfield, Vernon, Hinsdale, and Winchester were included in the tract, as well as portions of other towns. The final Indian deed was from Nawelet, the Indian chief, on whose lands were found about fifty years ago, near the present village of South Vernon, about eighty rods north of the State line, some thirty Indian granaries.¹ The township with its additions and changes varied in extent considerably at different dates.

A few settlers took possession in 1672 or 1673; but King Philip's War broke up the settlement in 1675. Some of the settlers returned in 1685 and remained five years, when they had to flee for their lives at the beginning of King William's War.

During this settlement the meadows in the northern part of the

¹ Pocumtuck Valley Memorial Association Proceedings, iii. 392.

town, west of the river, were allotted to proprietors, among them Zachery Lawrence, in 1684 and 1685.¹ The island in the great bend of the river was allotted to John Clary in 1685 and it went by his name many years, later it was called Stebbins Island. It has been claimed² that the earliest settlement by the English in Vermont was on these meadows in 1690. This possibly may be so, but I have found no positive evidence of it. The third settlement in 1714 proved to be permanent.

When the Massachusetts-New Hampshire boundary was surveyed in 1741, it cut off from Northfield a tract four miles and 197 rods from the northern part of the town. This tract was the first territory of Vermont granted and owned by English settlers. After 1741 the tract was held to belong to the settlers living on it at the time and to be under the jurisdiction of New Hampshire. In deeds and other official papers the tract was styled "of the northerly part of Northfield township above the line of the Massachusetts government." It was also called Bridgman's Fort, due to the fact that a John Bridgman had purchased from a proprietor a claim in the northern part of the original township and built a house or "fort" there and occupied it.

A charter was secured from New Hampshire September 5, 1753, for a township including land on each side of the river to which the name of Hinsdale was given. On the east side of the river the charter included that part of the old town of Northfield north of the Massachusetts line; on the west side all the land northward to Venter's Brook, and extending west ten degrees north from the mouth of that brook 250 rods, thence at a right angle to the Massachusetts line. The charter included a strip of land on the extreme west side which had not been in Northfield, and was given to such of the grantees of Hinsdale "as now live in New Hampshire."

A few days later, September 26, a new charter was issued to Winchester and Hinsdale, in which the boundary between the two towns was moved toward the Connecticut River, beginning on the Massachusetts line 80 rods (one-quarter of a mile) from the Connecticut and running northerly to the northern bounds of Winchester, thus throwing quite a large part of the old Northfield township east of

¹ Temple and Sheldon, *History of Northfield*, pp. 99, 106.

² Conant, *Vermont Historical Reader* (1907), p. 19.

the river and north of the Massachusetts line into the town of Winchester, and extending Hinsdale northward considerably beyond the bounds of the town on the west side of the river, which bounds were unchanged by this charter.¹ Thereafter the tract on both sides of the river was known as Hinsdale, New Hampshire; and the part on the west side retained the name under the government of New York and of Vermont until 1802, when it was renamed Vernon.

FALLS FIGHT TOWNSHIP (BERNARDSTON)

The petition of Samuel Hunt of Billerica for himself and other survivors of the soldiers of Captain Turner's Company who were in the battle at Turner's Falls in 1676 for a grant of land was presented to the General Court November 28, 1734. A township was granted to them; and a surveyor was authorized to lay out a township six miles square northward of Deerfield in the unappropriated lands of the Province and to return a plan of the same to the Court within twelve months.² On December 24, 1735, Thomas Wells was authorized to call the first meeting of the proprietors for organization.³ An additional grant was made to them of 4,480 acres, and the plan for the township was accepted August 5, 1741.⁴

This township extended beyond the north bounds of the Province similar to Northfield, but not as far. The part cut off was known as Falls Town Gore. The original town was renamed Bernardston in 1762. In 1765 Oliver Partridge in behalf of himself and other proprietors of Bernardston petitioned the General Court for a grant of 7,350 acres in lieu of their lost land. A grant of Florida on Hoosic Mountain was made to them June 24 and 25, 1765, and confirmed November 1 of the same year on the acceptance by the Court of a plan of the grant made by the surveyor, of the previous October 24th.⁵

The eastern portion of Falls Town Gore and Sawtell's Grant (to be described later) were joined to Hinsdale and now form a part of

¹ New Hampshire State Papers, ix. 382-383, xxiv. 142, xxv. 115-123; Vermont Historical Gazetteer, vol. v. pt. ii. 251, 271, 274.

² Massachusetts Province Laws, xii. 55-56.

³ xii. 197.

⁴ xiii. 34-35.

⁵ xviii. 44, 65. A plan of this grant is in Maps and Plans, xxxvii. 5, in the office of the Secretary of the Commonwealth.

Vernon.¹ Hinsdale, Vermont, was organized at an early date, the exact time not being known, as a fire destroyed the records in 1789; but by old deeds recovered and re-recorded it appears that John Bridgman was town clerk at least as early as 1785. The western part of Falls Town Gore ultimately fell to Guilford.

COLERAINE

Two townships were granted by the General Court to Boston on June 15, 1736. Number Two afterwards became Coleraine.² Coleraine was incorporated June 30, 1761.³ On June 25, 1765: "On the Petition of Joshua Winslow & others, praying for a consideration for one hundred and forty five acres of Land lost by the Proprietors of Colerain so Called; the said land falling into New Hampshire on running the line between this Government & New Hampshire. [Read and] *Resolv'd* That in lieu thereof there be granted to the Petitioners their heirs & assigns One hundred & forty five acres out of a gore of six hundred & thirty nine acres adjoining to said Town: . . . and that they return a plan thereof into the Secretary's office in twelve Months."⁴ A petition of Isaac Winslow, Jr., and others, a committee of the proprietors of the undivided lands in the town of Coleraine, stated that on surveying the land lost it was found that it contained 205 acres instead of 145. The Court granted them 399 acres, 210 acres in lieu of the same quantity of land lost, and 189 acres to be paid for in one year. Whether the lost tract was in the original grant of Number Two to Boston, or, more probably, in that part of Falls Fight Township which was set off to Coleraine when the latter was chartered, is not clear. In any case the tract cut off later probably became a part of Guilford, or possibly of Halifax, Vermont.

GRANTS TO INDIVIDUALS

JAMES KEBBY

Josiah Willard and Edward Hartwell, agents of the town of Lunenburg, and Zachariah Fitch guardian of James Kebby, a person

¹ John Stebbins's Narrative, in Pocumtuck Valley Memorial Association Proceedings, i. 148; Vermont Historical Gazetteer, vol. v. pt. ii. 275.

² Massachusetts Province Laws, xii. 275 and note.

³ iv. 466.

⁴ xviii. 44 (June 25, 1765).

non compos, petitioned the General Court for a tract of land in lieu of a tract which had been granted to Kebby in Lunenburg, but the proprietors did not know this and others had settled upon it and made improvements upon it. The Court granted them 400 acres to be laid out in two lots.¹ A tract of 239 acres was granted and laid out for him on the east side of the Connecticut above Northfield.² A second tract of 161 acres was granted April 7, 1733:

Bounded Easterly on Connecticut River, Northerly on the Equivalent Land below Fort Dummer, & every way else by unappropriated Lands; Beginning at the lower End of said Equivalent Land, where a little Brook empties itself into said River & runs down by it [Connecticut] about one Mile to a Bunch of White Woods standing on the Bank of it, thence it runs West, Twenty Perch³ to the foot of a Mountain, then North twenty two Degrees West three Hundred & forty Perch, & then East, One Hundred & thirty four Perch to where it first began, Surveyed by Jonas Houghton, Survey^r & two Chain Men under Oath.⁴

The plan was accepted and the grant confirmed.

JOSIAH SAWTELL

The following petition was granted June 26, 1738:

Josiah Soutel, Setting forth his Services in the late Indian Wars in which he had received a wound which must disable him a considerable time; And therefore Praying that this Court would grant him, or allow him to purchase, a piece of Province land which he has lived upon for about eighteen months past, lying on the West side of Connecticut River adjacent to Northfield, one of the new Canada Towns [Guilford] and some farms [Lunenburg farms].

Read, and in answer to the within Petition,

Voted, that One hundred Acres of the unappropriated Lands of the Province inclusive & adjoining to the Lands improved by the Petitioner as within mentioned be & hereby is given & granted to the Petitioner in Consideration of his Services and Sufferings in the late Wars, and that he return a Plat thereof to this Court within twelve months for confirmation. June 26, 1738.⁵

¹ Massachusetts Province Laws, xi. 619-620 (October 1, 1731).

² xi. 664 (June 30, 1732).

³ A perch is equivalent to one rod, or 5½ yards. As a square measure, a perch is equal to 30¼ square yards. 160 perches make an acre.

⁴ xi. 699-700.

⁵ xii. 499.

A plot of one hundred acres was laid out by Josiah Willard and presented to the Court December 18, 1738, with the following bounds, on the westerly side of the Connecticut above Northfield, —

Beginning at a Bass Wood Tree being the South East corner of a farm granted by this Court to Lunenburgh; thence West, one de: South on the said farm, and Province land thirty poles to a Black Oak Tree standing about two feet to the South of the line, thence South $14^{\circ} 30'$ East, three hundred nine Poles on Province Land to a Pillar of Stones; thence East $7^{\circ} 00'$ North, on the North line of Northfield one hundred and fifteen poles to a Stake on the bank of the River; thence up the river three hundred and thirty poles to the Bass Tree first mentioned.¹

The plat was accepted, and the grant confirmed December 18, 1738. This tract at one time seems to have received the name of Hinsdale Gore.² It adjoined John Bridgman's farm, and Sawtell's house was about one hundred rods northwest of Bridgman's.

THE EQUIVALENT LANDS, OR DUMMERSTON

In 1642 Massachusetts employed two surveyors, Nathaniel Woodward and Solomon Saffery,³ to locate her southern boundary as defined by her charter of 1628. This specified that it should be a line running due west from a point three miles south of the southernmost point of the Charles River. The surveyors located their first station in the town of Wrentham, three miles south of the head of a pond whose outlet was a brook flowing into the Charles River. They then sailed around Cape Cod and going to the Connecticut River proceeded up to Windsor in the colony of Connecticut, and located their western station at the house of a Mr. Bissell. To say the least this was a novel way of surveying a boundary between rival governments. The surveyors were afterwards called "ignorant sailors" and "Mathematicians." But Massachusetts stoutly maintained that they were artists of most approved and unquestioned skill.⁴

¹ Massachusetts Province Laws, xii. 523.

² Pocumtuck Valley Memorial Association Proceedings, i. 148.

³ Cf. Publications of this Society, xvii. 113, 115.

⁴ Connecticut Colonial Boundaries, 1670-1727, Massachusetts, iii. 12 (December 12, 1695). This is a volume of manuscripts in the Connecticut State Library at Hartford relating to the Massachusetts-Connecticut boundary for the years indicated. It is hereafter cited as "Connecticut Colonial Boundaries, iii."

Connecticut would not accept this line, but it was not until July 13, 1713, that articles of agreement were drawn up and signed by the colonies to resurvey the line by a joint commission from each colony.¹ It was then agreed that a new survey should be made and marked; that all persons were to retain the grants made to them by either government; that each province should retain the jurisdiction of all towns settled by them; and that whichever province had encroached on the other should grant to the other an equal number of acres out of its unimproved lands.²

This agreement in effect would not have resulted in curtailing the jurisdiction of Massachusetts over one foot of territory already claimed and settled by her; for the boundary as determined by the actual settlements were to remain except where each government had granted and settled the same tract, and it was expected by Massachusetts that what she had granted in northeastern Connecticut would be offset by what Massachusetts believed Connecticut had granted near the Connecticut River north of the rightful bounds. Where each had granted the same tract it was believed that some satisfactory adjustment could be made. In any case the jurisdiction of the land to be granted by either colony to the other for an equivalent for any previous infringement would not be changed, only the ownership of the soil would be given up.

The joint commission met at Woodward and Saffery's first station in Wrentham, Massachusetts. The Connecticut commissioners were persuaded to accept that as their starting point without making any personal examination whether it was correct or not. The commissioners surveyed the line to the Connecticut and agreed that 79,785 acres were due to Connecticut and so reported to their respective governments.³

At a meeting of the two governors and the commissioners December

¹ Connecticut Colonial Records, v. 399. The story of this survey and of the agreements arrived at is a long one. The documentary evidence in the Massachusetts Archives, in the Connecticut Colonial Records, and in the Connecticut Colonial Boundaries (iii), are extensive. Many of the important facts will be found in Clarence W. Bowen's *Boundary Disputes of Connecticut* (1882).

² Connecticut Colonial Boundaries, iii. 34-35c; Massachusetts Court Records, ix. 300-301; Massachusetts Archives, cxvii. 689.

³ Massachusetts Court Records, ix. 333-339; Connecticut Colonial Boundaries, iii. 43a-43c. A list of the tracts south of the line is in iii. 45b.

28, 1713, the Connecticut officials accepted the proposition that the towns of Woodstock, Somers, and Enfield which were largely south of the true line should remain subject to Massachusetts.¹ It was also agreed that 40,000 acres were to be given Connecticut in one plot, 30,000 acres in another, and 9,785 in a third "where they can be found being located on one side of the great river [Connecticut] that they may have the neighborhood of inhabitants of Massachusetts on the other side which will make their settlements more defensible."²

The survey was extended west of the river in June, 1714, as far as the western limits of Westfield, Massachusetts. The commission found that there were due to Connecticut 28,008 acres, making the total due her 107,793 acres. There is clearly a discrepancy in the total amount due Connecticut in the various official papers. The itemized amounts east of the river and the amount agreed upon December 13, 1713, foot to 79,785 acres.³ The amount west of the river is nowhere stated to be different from 28,008 acres. These amounts foot to 107,793 acres. On the other hand the amount of the first three tracts surveyed and granted to Connecticut is stated to be 95,793 acres, and the fourth tract is tabulated as 10,000 acres, making the total 105,793 acres. The total is repeatedly stated to be 105,793 acres in various official papers.⁴ The smaller amount seems to have been the actual amount granted.

The survey was continued to the New York boundary and a report was made on it September 20, 1717. There were no infringing grants in this part of the line.⁵

A third report of the commission to locate and survey the lands to be granted to Connecticut was made November 10, 1715, which summarized the two former reports, the first of which had located one tract of 21,976 acres "eastward of the town of Hadley Town [Belchertown] as by our report dated May 4, 1715;" and a second tract of 29,874 acres, "north of the first surveyed piece [Pelham and Ware] as by our report dated November 2, 1715." The third tract —

¹ Connecticut Colonial Boundaries, iii. 43-45c.

² iii. 44, 44b.

³ iii. 45b.

⁴ As in Connecticut Colonial Boundaries, iii. 54, 81c, 81d; Connecticut Colonial Records, v. 13; Massachusetts Archives, ii. 276-276a.

⁵ Connecticut Colonial Boundaries, iii. 58c-58d.

of 43,973 acres within the limits of the sd Province on the Connecticut above the former settlements [Northfield] being surveyed and laid out in manner as followeth: To Say — The north east corner boundary is the mouth of the brook, att the northward end of the Great Meadow [in Putney] where sd brook emptieth itself in Connecticut River att the foot of Taylor's Island, from whence it bounds upon the Connecticut river (as the river runs) eastwardly Down to the mouth of the Brook that emptieth itself into the Connecticut River at the lower end of the meadow about three miles southward of West River, and from the mouth of sd Brook it extends West northwest by the needle of the surveying Instrument six miles and half from thence it extends Nearest North Northeast by the needle of the surveying Instrument twelve miles which is the Westerly of sd Lands, and from thence it extends East South east by the needle of the surveying Instrument six miles and half to the mouth of the brook at the upor end of the Great Meadow. Given under our hands and sealls this 10th Day of November Anno Dom. 1715. Math^w Allyn Ebene^r Pomery Roger Wolcott.¹

These three tracts foot to 95,793 acres.

The fourth and final report of the commission has not been found, but a resolution of the Connecticut Assembly tabulates the four tracts, entering the fourth as 10,000 acres according to a report of the commission of April 5, 1716. Also in the Massachusetts Archives reference is made to a report of the commission of the same date, April 5, 1715, relating to a tract of 10,000 acres on Swift River, to and along the bounds of Brookfield to Ware River.²

In October, 1715, the Connecticut Assembly voted to sell these lands, although only a part of them had been surveyed. The tracts were divided into sixteen shares and were sold at public auction at Hartford April 24 and 25, 1716. A deed was given by the Connecticut commissioners June 5, 1716, to twenty-one persons for £683, of which £500 was given to the Collegiate School (Yale University).³

The proprietors were tenants in common until a partition was made, which probably was done in Boston in June, 1718. The Connecticut River tract was held as three and one-half shares, and fell to William Dummer, the Lieutenant-Governor of Massachusetts, one-half share; Anthony Stoddard, one share; William Brattle, one share:

¹ Connecticut Colonial Boundaries, iii. 54.

² Massachusetts Archives, xlvi. 437; cxiv. 770.

³ Massachusetts Archives, ii. 277-283.

and John White, one share; all of Boston except William Brattle, who lived in Cambridge.¹

For a time the whole tract was known as Dummerston, taking its name from one of the proprietors.² According to a statement in the town records of Dummerston the tract contained 48,000 acres instead of 43,943. Deming's Catalogue quoting this statement misquotes it as 4,800 acres. Both are wrong. As late as 1734 Indians claimed a portion of this tract and the Massachusetts General Court voted to pay Ompawmet (one of their chief men at that time) £120 for land he claimed on both sides of the river.³

On June 24-25, 1765, the Massachusetts General Court granted to Story Daws and Peter Roberts, heirs of John White, 1,080 acres of unappropriated land in lieu of their loss of 900 acres of the Equivalent Lands.⁴ Another tract of 390 acres was granted the same date to the heirs of John White in lieu of lands cut off by the Massachusetts northern line.⁵ This may not have been in the Equivalent Lands.

Local historians of the towns which grew out of this tract have sometimes claimed that Massachusetts granted four townships beginning at Westminster as Number One, Putney as Number Two, and so on southward, and that these numbers ran in the opposite direction from the numbered towns on the other side of the river. This is true of Westminster only. There is no evidence of their statements as to the other towns; but quite to the contrary Massachusetts had already granted the soil to Connecticut, retaining the jurisdiction of it. The province could not grant the tract the second time, but she could have organized it into townships, though there is no evidence that she did even this. The tract was chartered as three townships by New Hampshire in 1753. Beginning at the south they were named Brattleboro, Fulham (later becoming Dummerston), and Putney.⁶

¹ Massachusetts Archives, ii. 278; Connecticut Colonial Boundaries, iii. 194-199.

² B. Hall, *History of Eastern Vermont*, p. 106.

³ Court Records, xvi. 70 (November 30, 1734); Massachusetts Province Laws, xii. 58 (December 2, 1734).

⁴ Massachusetts Archives, xlvi. 528.

⁵ xlvi. 521-522.

⁶ New Hampshire State Papers, xxv. i. 51-58, 130-138, 363-369.

According to the preliminary agreement made before the surveys of 1713-1717 and the agreements made during them, Massachusetts could lose nothing and gained much. She gained the consent of Connecticut to let the first station of the Woodward and Saffery survey remain the starting point, and to let the towns largely south of the true boundary to remain in Massachusetts. She granted to Connecticut 105,793 acres which were largely bought by her own citizens at a nominal price (about one farthing per acre). But after the surveys were completed and the Equivalent Lands were deeded to Connecticut, the people of the Massachusetts towns south of the true line refused to remain a part of Massachusetts, particularly Woodstock, Enfield, and Suffield, and asked to be admitted into Connecticut. This was granted, against the protest of Massachusetts. The citizens of these towns thus secured a partial rectification of the boundary which the colonial government did not seem to have the shrewdness to gain.

THE NEAR-GRANT OF FORT ANNE

On May 26, 1708, a petition for land on the Connecticut River was presented to Governor Dudley, the Council, and the House of Representatives of Massachusetts by Abraham Schuyler, Myndart Schuyler, John Abeale, David Schuyler, Peter Vanbruck, John Schuyler, Peter Schuyler, and Robert Livingston, Jr., all of Albany, in behalf of themselves and company. The petition —

Sheweth

That Whereas at the head of the Connecticut River, and about a hundred miles distant from the Town of Deerfield there is a Tract of Land called Cowassick als Cohassett within the province of the Massachusetts &c containing about Thirty miles on both sides of the River, The Native Indian Owners thereof are in and about Albany and are willing and desirous to sell and make over unto your Petitioners all their Right Title and Interest in and to the sd land for a valuable Consideration. But forasmuch as yo^r Petitioners are advised, That no such purchase can be made without the knowledge Leave and Approbation of the General Court or Assembly of this Province

Yo^r Petitioners do now therefore make this humble Application that leave may be given them to purchase the same and that upon their purchase thereof the sd Tract of land may be confirmed to them and

their associates who design with all Convenient speed to settle a Village there which will be as well for the Convenience as security of the Western frontiers of this Province the scituation thereof being between Deerfield and Albany and the great Lake towards Canada

And yo^r Petitioners (as in duty bound) shall always be assisting to, & pray for the prosperity and peace of this Province

DAVID SCHUYLER

As Attorney & in behalf of the rest.

In Council

pr^o June 1708.

Read a first and Second time and Ordered

That the Prayer of the Petition be Granted, Viz^t That there be Granted to the Pet^{rs} and their Associates a Tract of Land containing fifteen miles Square for a Plantation at Cowastick al^s Cohasset upon Connecticut River within this Province of the Massachusetts Bay, to Lye on both sides of the River; And that they shall have Liberty to purchase the Indian Native Right thereto; Provided They forthwith proceed to settle and build upon the said Land so as to have a Plantation of forty family's there within y^e Space of two years next comeing, and an able Orthodox Minister Settled amongst them; with a good Fortification to defend their Settlement. Reserving four Thousand five hundred acres to be laid out in proper places, with a proportionable Quantity of meadow, namely one Thousand acres for the use of the Province; One Thousand acres for the use of Harvard College, one Thousand acres for the Support of a good Schoole in the s^d Plantation, One Thousand acres for a Parsonage and five hundred acres for the first minister

And that . . . be a Committee to see and know the bounds of the said Plantation, and the Laying out of the Reserv^d Lands and to Inspect the Settlement. And that the Plantation be called Fort Anne.

Is^a ADDINGTON Secry

Sent down for Concurrence

In the House of Representatives,

June 3, 1708. Read.

9: Read a 2^d time.

In the House of Representatives. June 12: 1708 Read a 3^d time. & Being Informed that the Petitioners have no Prospect of making any Settlement upon the Land Petitioned for during the present War: and this House is desirous to be better acquainted with the Circumstances therof

Ordered That the Petition be Referred to further Consideration,

when the Circumstances of the Land, & its situation is better understood.

THOMAS OLIVER Speaker¹

On June 12th the Council appointed a committee to join with a committee of the House to reconsider the petition on the 14th, and on the same day (June 12) the House "Ordered a Concurrence" and the committee was appointed.

This tract was probably at the so called Fifteen Miles Falls and the Coos meadows on the upper Connecticut in the present towns of Newbury, Ryegate, Barnet, and Waterford, Vermont, and the opposite New Hampshire towns. The statement that the Indians in the vicinity of Albany owned it can be taken with a grain of salt. In all probability these Indians in some of their hunting expeditions had visited the locality and of course were ready to sell to any one their claim to the region. Nothing more is found of this proposed grant.

There is extant a deed of sale of land by Indians to Colonel Peter Schuyler and Captain John Schuyler both of Albany, New York, for a tract of land on the Deerfield River in the government of New England, extending three miles up the river and six miles on both sides of it, all for the sum of five shillings. The bounds were all in Indian names of places and designations (a characteristic of New York Indian purchases). Ten Indians made their marks in lieu of signatures, and they were witnessed by several persons, including Robert Livingston, Jr., Anthony van Schaick, Jr., and others, and certified to by Killian Van Rensselaer, all of Albany, April 30, 1708.²

Did this purchase made by the same Albany parties about six weeks previous to the attempt to secure the Connecticut River grant have any relation to the latter? How did these Albany men have the assumption to buy a tract of land from the Indians on the Deerfield River which assuredly was in the Massachusetts Province, and possibly in Vermont, while they felt it necessary to get the sanction of the government in order to buy a tract on the Connecticut one hundred miles distant from any Massachusetts settlement? This episode is remarkable.

¹ Massachusetts Archives, cxiii. 425-427.

² cxiii. 431-433.

TOWNSHIP GRANTS
CAPTAIN GALLOP'S GRANT (GUILFORD)

Massachusetts made three township grants in Vermont. The General Court granted four townships, called Canada Townships, June 19, 1735, in reply to the petitions of (1) Samuel Newell and others; (2) Thomas Tileston and others; (3) Samuel Gallop and others; and (4) Abraham Tilton and others. These grants were made to the officers and soldiers or their descendants who served in the expedition to Canada in 1690, hence their name. Three of these grants were in Massachusetts or New Hampshire. The grant to Captain Samuel Gallop's Company was north of the Falls Fight Township and is now wholly or largely a part of Guilford, Vermont.¹ The Province was to be at the sole charge of laying out these towns, and certain conditions were imposed, particularly, requiring a certain number of settlers to settle in the grant within five years. Committees were appointed to lay out these towns.

A member of the committee for laying out Gallop's grant was changed July 6, 1736.² The bounds as described December 1, 1736, were:

East & West on Unappropriated Lands South partly on Unappropriated Lands and partly on the Townships Granted to the Soldiers in the Fall fight Northerly on the Equivalent lands and on Unappropriated Lands begining at a Stake and Stones in North field West bounds, on the West side of Connecticut River, being also the North east Corner of the Falls fight Town; Runing North 9° 00' West One thousand three hundred & Ninety perch to a White pine tree Marked; thence West 22° 30'. North thirteen hundred & Sixty perch to a stake & Stones (which is the South bounds of the Equivalent lands) and Several trees marked; thence West Seven hundred and Seventy five perch to two hemlock trees Mark'd & a heap of Stones, between them being about 12 perch East of a large Brook Runing Southerly then South Eighteen hundred & Seventy five perch thence East two Thousand three hundred & ten perch to where it began.³

The tract was six miles square. The plat was accepted. Daniel Carpenter was authorized to call the first meeting of the grantees

¹ Massachusetts Province Laws, xii. 142-143 (June 19, 1735), xii. 252 (March 27, 1736).

² xii. 289.

³ xii. 294.

to organize the township when the committee had admitted and taken bonds of sixty persons that were entitled to the grant. I find nothing more of the grant. Probably it was never organized, possibly because not enough persons qualified to become proprietors. No mention of this grant is found in any Vermont history, general or local; nor does Mr. Hiram A. Huse mention it in his notes in the New Hampshire State Papers.¹ Massachusetts made quite a number of grants under the name Canada Townships in New Hampshire and in her own territory proper. Perhaps Captain Gallop's Company combined with some other company and settled elsewhere than in Guilford.

No other border town of Massachusetts west of the Connecticut had been chartered in 1740. No other grants have been found along the border which extended into Vermont, but it may be rash to say there were none.

NEW TAUNTON (WESTMINSTER) AND ——— (ROCKINGHAM)

Massachusetts granted two Connecticut River townships. Many petitions were made to the General Court in 1735 for grants of land. Surveys were made and twenty-eight towns were laid out between the northeast corner of Rumford (Concord), New Hampshire, and the Great Falls (Bellows Falls) on the Connecticut and on the east side of the river from Hinsdale to the Great Falls. On the west side of the river also a survey was made between the Equivalent Lands and the Falls. It was ordered that one or two townships should be laid out here as the territory allowed.

Number One was later named by Massachusetts New Taunton, after the name of the home town of many of the grantees.² New Hampshire rechartered the town in 1752 by the name of Westminster. This charter is the earliest of any Vermont town, it being dated November 19, 1736. When the surveyor surveyed and plotted this grant he expected to find the southern boundary running due west from the river, but discovered that the northern bounds of the

¹ Vol. xxvi.

² Massachusetts House Journal, 1735, pp. 221, 225, 227; Province Laws, xii. 225-227 (January 15, 1736), xii. 232 (January 16, 1736), xii. 307 (December 17, 1736); Court Records, xvi. 276-277, 282, 373 (January 15, 16, November 30, 1736).

Equivalent Lands ran 22° 30' north of west, and he had to plot the new town accordingly.¹

Number Two lay against the Great Falls and extended some miles north of it. The grant was made to Palmer Goulding of Worcester, who had been an officer in the Indian wars, and to a Mr. Stevens, perhaps Phineas Stevens of Rutland, Massachusetts, who later became noted as the commander of Number Four (Charlestown, New Hampshire),² and to fifty-eight others whose names are not known. Goulding was authorized to call the proprietors together to organize the township. The tract went by the name of Goldens-town previous to 1750. No further record of the grant is found in the Massachusetts records. No actual settlement is known to have been made under this grant. Governor Wentworth of New Hampshire in regranteeing the tract December 28, 1752, named it Rockingham, after the Marquis of Rockingham, Charles Watson-Wentworth, a relative of the Governor, and who was Prime Minister of England in 1765-1766.

The Massachusetts grants in this vicinity were made in similar terms. The township was divided into sixty shares or rights. Two rights in each town were set apart for the first and second ministers who should settle there, and one right for school purposes. Each settler was required to give a bond of forty pounds as security for performing the conditions enjoined, and to pay the expense of surveying and laying out the township. Those who had not received a grant within the previous seven years were admitted as proprietors; but in case not enough of such persons could be found then others were admitted, who, having received a grant elsewhere, had fulfilled the conditions required of them. The grantees were required to build a dwelling house eighteen feet square and seven foot stud at the least on their house lot; fence it in; break up for plowing, or clear and stock with English grass five acres of land; and cause their lots to be inhabited within three years after becoming a proprietor. They were further required within the same time to build and furnish a convenient meeting-house for the public worship of God, and to settle a learned orthodox minister. On failing to perform these

¹ Province Laws, xii. 292 (November 30, 1736).

² For Phinehas (Phineas) Stevens, see Publications of this Society, vi. 260, 260 note, 261 note 2.

terms their rights were forfeited and were to be granted again to such settlers as would fulfil the same conditions within one year after receiving the grant. The land in New Taunton was divided into house lots and interval lots¹ each of a given number of acres, and one lot of each kind was included in the right of each grantee.

As to the remainder of the land, after the original proprietors had received a right, an agreement was made that it should be shared equally and alike by all the settlers when divided. In January, 1737, the General Court passed a vote to the effect that as soon as there were twenty families settled in either of the two upper towns, Westminster and Rockingham, and a corn (grist) mill and a saw mill were built, a new truck house would be built north of the town for its security and for the public stores for the Indian trade which should be moved there from Fort Dummer. The object of the act was to advance the truck house northward from Fort Dummer as the settlements advanced. Neither of the towns ever secured this advantage. The frontier trading house became Number Four, on the other side of the river. These two townships specifically were included in Hampshire County on February 2, 1737.²

THE LYDIUS GRANT

There is yet another grant a Massachusetts governor, serving as a special royal agent, it is claimed, took a part in granting. Many of the statements which follow are taken from a pamphlet inspired or issued under the supervision of Colonel John Henry Lydius, printed in 1764, with the title *Some Reflections on the Disputes between New-York, New-Hampshire, and Col. John Henry Lydius, and signed "Philadicaios."* Its authorship is attributed to Dr. Thomas Young,³ a native of the New York Province, who at different dates among other places lived at Albany, Boston, and Philadelphia.⁴

¹ Cf. Publications of this Society, vi. 137-151.

² Province Laws, xii. 342.

³ For a memoir of Young, see Publications of this Society, xi. 2-54.

⁴ The pamphlet is no. 9889 in Evans, under Young's name; no. 42758 in Sabin, under Lydius's name; and no. 1405 in Trumbull's List of Books printed in Connecticut, 1709-1800 (1904), under the title. The title reads:

Some Reflections on the Disputes between New-York, New-Hampshire, and Col. John Henry Lydius Of Albany. Qui ab altero fere tuleris, re inferes ipse.

John Henry Lydius was born in Albany in 1694; a son of a Dutch minister, he became an Indian trader; lived in Montreal in 1725-1730; was brought to book for carrying on illicit trade with the English through the Indians and banished. He returned to Albany and continued his relations with the Indians. In 1732 he obtained from the Mohawks, whose possessions he professed to believe extended north and east to the St. Francis Indians on the St. Lawrence in the vicinity of Quebec, a deed for two tracts of land, dated February 1, 1732, one on Wood Creek, southwest of Lake Champlain, and the other on Otter Creek in Vermont, extending from the mouth of the Creek eastward 6 Dutch miles (24 English miles) and southward to the uppermost falls of the Creek, 15 Dutch miles, more or less (60 English miles), thence westward 6 Dutch miles, thence to the starting point. He lived on the Wood Creek tract, and his house was near Fort Edward, New York.¹

To make his possession doubly secure, he applied to the King through the Massachusetts colonial agent for a confirmation of his grant. He claimed that Governor Shirley was authorized to investigate his claims and to grant to him a royal charter if his representations were satisfactory; and that a charter was issued to him by Shirley under date of August 31, 1744, which began thus:

I DO IN OBEDIENCE TO HIS MAJESTY'S COMMAND of the fifth of *October* last, whereby I am commanded to inform myself of a certain deed of covenant, executed by His Majesty's subjects the *Mohawk Indians*, in consideration of the pious services therein mentioned, unto *John Henry Lydius*, dated the first day of *February*, 1732; as said deed is *bona fide* the voluntary act and deed of the said *Indians*, for two certain tracts of land &c. lying on *Otter-Creek* and *Wood-Creek*; I do DECLARE AND GRANT unto the said *John Henry Lydius*, and to his heirs

To these Reflections are added, Some Rules of Law, fit to be observed in purchasing Land, &c. New-Haven: Printed and Sold by Benjamin Mecom. 1764.

Title, 1 leaf; Reflections, &c., pp. 3-21. The copy in the Boston Public Library ends on p. 21, the verso of which is blank. The copies in the New York Public Library and in the Henry E. Huntington Library have an additional leaf, the verso of which is blank, while the recto (in verse) is headed: "From an Old Book. Rules of Law, fit to be observed in purchasing Land, &c." Cf. Publications of this Society, xi. 26 note 1.

¹ It is No. 49 on the map in Documentary History of the State of New York (1849), i. 556.

and assigns, to be the absolute owner and proprietor of the said two tracts of land.¹

About the beginning of the summer of 1760 Lydius issued leases for several townships of land, the first to Connecticut people, and others to New York and Rhode Island people, including Dr. Thomas Young, then living in Albany,² on the moderate rent of five shillings sterling per 100 acres improvable land. The first payment was to be made twenty years after the date of the lease. After the lessees vigorously began to settle on their lands, Lieutenant-Governor Colden of New York issued a proclamation after this manner: "Whereas *John Henry Lydius*, of the city of *Albany*, claimed property in two large tracts of land, lying within this His Majesty's province of *New-York*; . . . That the said *John H. Lydius* presumed, in his doings thereupon, to the disturbance of the *government*," and all persons were warned not "to enter into, or take possession of the said lands, or any part or parcel of them, &c."³ This proving of no effect the Attorney General of New York filed a declaration in the Supreme Court for a trial between the city and county of Albany against Lydius, charging him with cutting and destroying thousands of valuable trees and the grazing of some hundreds of oxen, etc., on his Majesty's lands. "To which *declaration Lydius* plead the general issue; and first plead in bar to the government's jurisdiction to the premises, which, as that not yet got over, we shall wave at present to observe, that, during this contest, *P. Skeene*, *major of brigades*, on pretence of *General Amherst's* encouragement to use his interest to procure part of this tract on *Wood-Creek* for him (as conquered land) settled many people thereon without right or authority from *New-York*, or any other government."⁴ Or in other words; Lydius denied the truth of the general charge and maintained that the government lacked jurisdiction over the tracts, and as this defence has not yet been answered he will dismiss the matter at present to observe, that during this prosecution Major Philip Skene, on the pretence of having received encouragement to use the in-

¹ Some Reflections, etc., pp. 12-13.

² Id. p. 4.

³ Id. pp. 4, 5.

⁴ Id. pp. 5-6.

fluence of General Amherst in order to procure a part of this tract on Wood Creek for himself, has settled many people on it without right or authority from New York or any other government. Meanwhile New York has never treated Skene as an intruder, for he is opposing Lydius; also New York has patented some of Lydius's land to J. Bradshaw & Co., and also more recently has issued a patent for a township by the name of Argyle, to some Scotchmen brought over by Captain Laughlin Campbell, assuming the land to be in the county of Albany. This is according to a statement signed by Duncan Read & Co. in the New York Gazette, no. 275, published by Weyman.

And again, the previous winter (December, 1763), New York issued a proclamation claiming the west bank of the Connecticut River to be the eastern boundary of the province, alleging that New Hampshire had intruded on New York by issuing land grants, and warning the unwary from purchasing the New Hampshire titles. New Hampshire issued a counter proclamation upholding its right to issue grants in the disputed territory.

After making the above statements the writer of the pamphlet argues his case thus: Title originates from pre-occupancy or first discovery. It is admitted by all that the Indians have the first right to American soil occupied by them. No English king ever assumed he had a full right to the land occupied by Indians until their claim was satisfied. Lydius's title to his tracts is unassailable, as he has a title from the Indians reinforced by that of the King. If his title is questioned on the ground of jurisdiction, the writer says that the charters of Connecticut and Massachusetts are older than that of the Duke of York's; and in any case the Duke's title has reverted to the Crown, so that it remains for the King to define the boundary between New York and New Hampshire, for both are royal provinces.¹

In the suit against Lydius for trespass at Albany in 1761-1763 the judges were withholding judgment, apparently because of their doubt about the true extent of Albany County, for by the law dividing the Province into shires Albany County extended northward only to the uttermost end of Saraghtoga (Saratoga). If Lydius's tracts were not in Albany County, then they were not in the

¹ This boundary was determined in July, 1764, and became known in New York the following February or March.

Province.¹ When Lydius was first summoned to court the writer says Lydius replied that the season's inclemency prevented his attendance, then when he is charged with trespass, judgment is suspended.

A confirmation of some of these statements is found in New York records.² A letter from Lydius giving a description of his land claims was presented to the New York Council February 4, 1761. It was referred to a committee.³ A report was made on the claims February 18, and a proclamation against him was ordered to be issued accordingly.⁴ Proceedings were taken against him December 15 of the same year for contempt and intrusion on the crown lands. Then Lydius produced copies of his Indian deeds and his grants from Governor Shirley of Massachusetts for lands from the Saratoga patent to the northern limits of the Province. He was discharged on the following day on giving bonds to stand trial in the Supreme Court.⁵ A hearing on the memorial of the Attorney General against him was deferred March 8, 1762; and on the 17th the Attorney General was ordered to file a second information against him.⁶ Banyan, a New York official, writes May 31, 1762, that he is to be in Albany in June to testify against Lydius for intrusion on crown lands between Saraghtoga and Fort Edward, and above, and on a tract on Otter Creek opposite Crown Point. J. T. Kempe on May 9, 1763, asks for aid in getting witnesses against Lydius for intrusion on the King's lands near Fort Edward.⁷

A final trial and verdict of Lydius's case has not been found; but

¹ The New York law of 1691 establishing counties left the northern extension of Albany County east of the Hudson indeterminate: "The County of Albany [to contain] the Manour of Renslaerswyck, Schenectady and all the villages neighbourhoods and Christian plantacons on the East side of Hudson's River from Roeloffe Jansens Creeke and on the west side; from Sawyers Creeke to the utmost end of Saraghtooga" (Laws of New York, 1894, i. 268).

² Particularly in the Calendar of the [New York] Council Minutes, 1668-1783 (1902), pp. 414-466; and in the Calendar of the Sir William Johnson Manuscripts in the New York State Library compiled by R. E. Day (1909).

³ Calendar of the Council Minutes, p. 452.

⁴ Calendar of the Council Minutes, p. 452; Calendar of New York Historical Manuscripts (1866), p. 719.

⁵ Calendar of the Council Minutes, p. 456.

⁶ Calendar of the Council Minutes, p. 457; Calendar of New York Historical Manuscripts, p. 729.

⁷ Calendar of the Sir W. Johnson Manuscripts, pp. 136, 169.

we know that after New York's bounds were extended to the Connecticut River he was unable to secure any recognition of his claims from the Province. He went to England in 1767 or 1768 in the interests of these claims, but with what success we do not learn. He never returned to America, dying abroad in 1791.

It is very evident that the New York officials and influences were against Lydius, including the Lieutenant-Governor, the court, and all who stood in favor of the officials, particularly the land speculators. Sir William Johnson, the Indian Commissioner, charged Lydius with fraud in his dealings with the Indians.

On the other hand Lydius was a trusted agent of the Massachusetts government for a number of years. Several times the General Court voted funds to pay him for services in connection with Indian affairs. He served with Captain Ephraim Williams to investigate certain Indian claims in 1748, and again he was paid for "securing the Indians of the Six Nations in the English Interests." He served Massachusetts in other ways.¹ The English Government had confidence in him.²

Lydius undoubtedly had secured an Indian deed for the two tracts of land he claimed, one on Wood Creek southwest of Lake Champlain, and the other on Otter Creek in Vermont. We find incorporated in a deed dated December 20, 1763, for one eighty-seventh part of the township of Boxford (in or near Hancock, Vermont) a copy of his Indian deed, apparently from a sworn copy of the original deed, the sworn copy being dated Albany, November 8, 1761.

The paper reads as follows:

Indenture February 1, 1732 between Cauegohe Teyonyguawe [etc. several other Indian names follow] Chief Mohawks with their people and John Henry Lydius of Albany son of Rev. John Lydius in consideration of services among them [etc.] grants two tracts lying to the northward of the English colonies of New England near Lake Champlain namely one tract lying on Otter Creek containing about six Dutch miles in width and fifteen in length and bounded as follows: beginning at the mouth of Otter Creek thence running six Dutch miles easterly thence southerly to the uppermost falls of Otter Creek about 15 Dutch

¹ Province Laws, xiii. 543; xiv. 79, 592; xv. 105, 281; House Journal, 1745, p. 179; 1747, pp. 21, 175, 179; 1748, pp. 14, 56, 67, 114; 1755, pp. 233, 239.

² New York Colonial Documents, vi. 561, 569, 577, 650; vii. 456; ix. 1019-1020.

miles then westerly six Dutch miles thence northerly to the first mentioned point.¹

The other tract was on Wood Creek: "beginning two and a half Dutch miles due north from the place called Cingequartmock or falls in Wood Creek, running 10 Dutch miles westerly to the falls on the Hudson River going to Lake Sacrament and from thence down the river Hudson five Dutch miles." Signed by three Indians by their marks and figures of animals of deer, etc. Witnessed by Barret Uromcon, Jr., and Valkort Dowe. Sworn to before Byer Garret, Justice, August 5, 1736; witnesses also sworn. Copy of the original sworn to November 8, 1761, at Albany.

The deed, a printed blank form, is in part substantially as follows:

20 December third year of the reign of George the Third. John Henry Lydius of Albany sells to Samuel Avery of Groton, County New London, Connecticut one eighty-seventh part of township number 20 called Boxford about 30 miles south-east and east from Crown Point and about six miles east of Otter Creek beginning at the south-east corner of Milford, then east two miles 54 chains to the north-east corner of Pomfrett thence south bounded by Pomfrett six miles to south-east corner, thence east two miles, 24 chains thence north 16 degrees east nine miles and ten chains to the south-east corner of Yorkshire thence west 27 degrees north six miles to south-east corner of Bradford, thence west two miles 38 chains to north-east corner of Milford thence running south six miles abutting on said Milford to first mentioned corner.

We find in the Military Patents of New York² a petition which states that one hundred and twenty persons, who had bought two townships from Lydius which he claimed to have bought from Indians in 1736 and had received a royal confirmation in 1744, had petitioned New York in 1772 for this same tract, but before the grant and survey could be completed it was impossible to have it done. They renewed the petition August 16, 1774. The tract lay 19 miles and 50 chains distant from the mouth of Otter Creek. Another mention is made of a Lydius claim on Otter Creek³ in a patent which

¹ New York Land Papers, xxxiv. 10-11, in the Land Bureau of the Secretary of State of New York.

² New York Land Papers, xvi. 396-405.

³ Military Patents, xvi. 418-421.

Humphrey Avery and twenty-seven others received for a grant of 28,000 acres from New York, September 6, 1774.¹ This tract had been claimed by Lydius.

Lydius divided his Otter Creek tract into thirty-five townships (on paper). Number 7 is called Durham. The first settlers of Clarendon, Vermont, came from Rhode Island and were lessees of Lydius in 1768.² When the New Hampshire grantees and they came into conflict the lessees made common cause with the New York land speculators and through James Duane secured a New York patent in 1772 for Durham covering the towns of Clarendon and Wallingford. The Green Mountain Boys, an organization formed to resist New York claims, in that vicinity were determined not to permit any one to hold land titles under New York. The result was that the Rhode Island people found for a second time that they needed to get another title in order to hold their farms, as neither Lydius nor the New York sharps could protect them from the Green Mountain Boys. The latter were not severe with them only so far as they became political partizans of New York.

Thus we find that Massachusetts made a number of land grants in what is now Vermont. There were grants in her own territory which were found to extend over the boundary of 1740. There were the individual grants, the Equivalent Land grant, and the township grants, which she assumed were within her limits, and the curious near-grant of Fort Anne on the upper Connecticut. Finally, we have described the Lydius grant, which it is possible that Governor Shirley, as a special royal agent, granted.

¹ In or near Lincoln, Vermont.

² Documentary History of New York (1851), iv. 956; Hall, *Early History of Vermont*, p. 169.





